

STATE OF INDIANA)
) SS:
COUNTY OF ELKHART)

IN THE ELKHART CIRCUIT COURT
CAUSE NO. 20C01-0110-CP-00573

STATE OF INDIANA,
Plaintiff,

v.

MIKE BEARD and
HOWARD LYONS,

Defendants:

FILED

MAR - 3 2003

CLERK ELKHART CIRCUIT COURT

CONSENT JUDGMENT AS TO DEFENDANT HOWARD LYONS

Plaintiff, State of Indiana, by Attorney General Steve Carter and Deputy Attorney General David A. Paetzmann, and Defendant Howard Lyons ("Lyons") hereby agree to entry of a Consent Judgment without trial or adjudication of any issue of fact or law herein.

The parties believe it is in their best interest to resolve the issues presented by the State of Indiana and avoid further litigation with regard to the issues addressed in this Consent Judgment. The Consent Judgment does not constitute an admission by Lyons of any violation of Indiana's Deceptive Consumer Sales Act, Indiana Code § 24-5-0.5-1 *et seq.*, (the "Act"), nor shall it be construed as an abandonment by the Attorney General of his position that Lyons has violated the Act. The parties consent to entry of a final judgment in this proceeding by the Court and accept this Consent Judgment as final on the issues resolved herein.

I. Jurisdiction and Venue

1. This Court has jurisdiction over the subject matter of this action and the parties hereto.
2. The Indiana Attorney General has authority to bring this action pursuant to the authority of Ind. Code § 24-5-0.5-4(c).
3. The State of Indiana's Complaint for Injunction, Restitution, Costs, and Civil Penalties states a cause of action under Indiana's Deceptive Consumer Sales Act, Ind. Code § 24-5-0.5-1 *et seq.*

4. Lyons is an individual residing in Elkhart County, Indiana.

II. Injunctive and Other Relief

5. Lyons is hereby permanently enjoined from contriving, preparing, setting up, operating, publicizing by means of advertisement, or promoting a pyramid promotional scheme, as defined by Ind. Code § 24-5.0.5-2.
6. Lyons shall pay consumer restitution pursuant to Ind. Code § 24-5-0.5-4(d) in the amount of two thousand dollars (\$2,000.00) to Vernon and Barbara McCreary of Middlebury, Indiana, and two thousand dollars (\$2,000.00) to Judith Jessup of Goshen, Indiana, for total consumer restitution in the amount of four thousand dollars (\$4,000.00).
7. Lyons shall pay the Office of the Attorney General's costs of investigation and prosecution in the amount of three hundred dollars (\$300.00), pursuant to Ind. Code § 24-5-0.5-4(c)(3).

III. Private Causes of Action Not Waived

8. Execution of this Consent Judgment shall not constitute a waiver of any cause of action that any individual could assert against Lyons in a court of competent jurisdiction.

IV. Continuing Jurisdiction

9. For the purpose of enforcing this Consent Judgment, Lyons waives any objection regarding the Court's jurisdiction to punish for contempt and agrees to appear on proper notice for a failure to comply with any of the provisions of this Judgment.

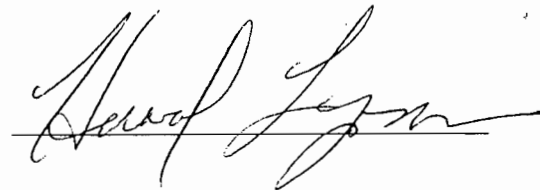
IN WITNESS WHEREOF, the parties have executed this Consent Judgment this 28th day of February, 2003.

STATE OF INDIANA
STEVE CARTER
Attorney General of Indiana


By: 

David A. Paetzmann
Deputy Attorney General
Attorney no. 6392-23

HOWARD LYONS



ALL OF WHICH IS APPROVED, ORDERED, ADJUDGED, AND DECREED
this 3rd day of MARCH, 2003.


Judge, Elkhart Circuit Court

Distribution:

David A. Paetzmann
Deputy Attorney General
Office of the Attorney General
Indiana Government Center South, 5th fl.
402 W. Washington Street
Indianapolis, IN 46204

Howard Lyons
51400 County Road 29
Bristol, IN 46507